

FILED

UNITED STATES DISTRICT COURT

07 NOV -7 PM 1:33

SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

PM

DEPUTY

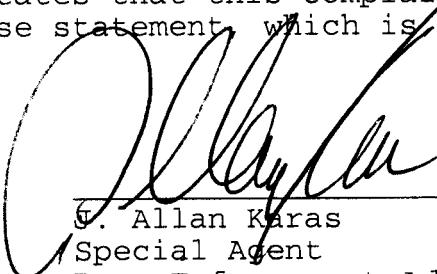
07 MJ 2616

BY:  
UNITED STATES OF AMERICA, )  
Plaintiff ) Magistrate's Case No.  
v. )  
) COMPLAINT FOR VIOLATION OF  
JONATHAN BARRAGAN-TAPIA )  
And )  
VICTOR MELENDREZ-FRANCO )  
Defendants ) Title 21 U.S.C., Sec. 841(a)(1) -  
 ) Possession With  
 ) Intent To Distribute  
 ) Heroin

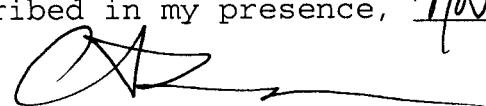
The undersigned complainant being duly sworn states:

On or about November 02, 2007, within the Southern District of California, defendant JONATHAN BARRAGAN-TAPIA and VICTOR MELENDREZ-FRANCO did knowingly and intentionally possess, with intent to distribute, approximately 440 grams of Heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached probable cause statement which is incorporated herein by reference.

  
G. Allan Karas  
Special Agent  
Drug Enforcement Administration

Sworn to before me and subscribed in my presence, Nov. 7,  
2007.

  
United States Magistrate Judge

**CATHY ANN BENCIVENGO  
U.S. MAGISTRATE JUDGE**

PROBABLE CAUSE STATEMENT

I, Special Agent J. Allan Karas, declare under penalty of perjury, the following is true and correct to the best of my knowledge:

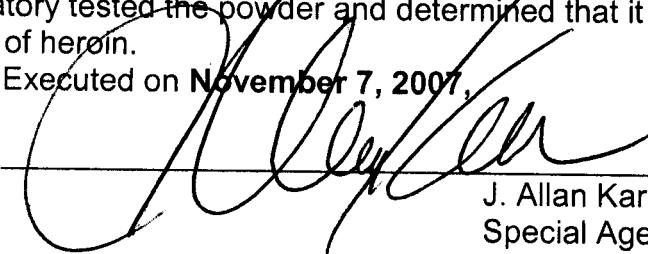
On 11-02-07, San Diego Police Department (SDPD) officers performed a motor vehicle stop on driver Jonathan BARRAGAN-Tapia for a California Motor Vehicle Code (CVC) violation in San Diego, CA. Victor MELENDREZ-Franco was in the passenger seat.

SDPD officers received consent from BARRAGAN to search his vehicle. Under the passenger seat, SDPD officers discovered a fast-food bag. Inside the fast-food bag was a plastic bag containing approximately 440 grams brownish powder, consistent with a controlled substance. SDPD officers arrested BARRAGAN and MELENDREZ. SDPD officers performed a presumptive test on a sample of the powder. The sample presumptive-tested positive for heroin.

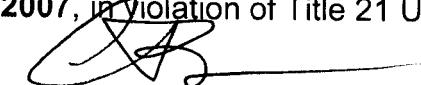
BARRAGAN waived his Miranda rights. He told me that MELENDREZ asked BARRAGAN to give him a ride somewhere near the Carmel Mountain area of San Diego. BARRAGAN stated that an unknown male gave MELENDREZ the bag containing the powder. BARRAGAN stated that he thought the bag contained drugs, but that maybe it was marijuana.

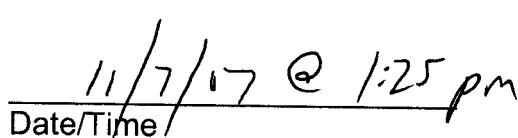
MELENDREZ waived his Miranda rights. MELENDREZ told me that a male named "Oscar" asked MELENDREZ to pick up "fake drugs" and "fool" somebody with them. MELENDREZ picked up the fast-food bag containing the plastic bag with brown powder from a male somewhere off the I-15 in San Diego. MELENDREZ told me that he knew there was a slight possibility that the bag contained drugs, but believed that the bag contained "fake" drugs. I examined the powder. I believe the amount of heroin seized is consistent with amounts possessed for sale and/or distribution. The San Diego Police Department Laboratory tested the powder and determined that it was approximately 422 grams of heroin.

Executed on November 7, 2007,

  
J. Allan Karas  
Special Agent, DEA

On the basis of the facts presented in this probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendants named in this probable cause statement committed the offense on November 2, 2007, in violation of Title 21 U.S.C. §841(a)(1).

  
United States Magistrate Judge

  
Date/Time